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**DECISION**



21248 Allen  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B - 206692

**DATE:** March 22, 1982

**MATTER OF:** Jensen Corporation

**DIGEST:**

Protest filed with the General Accounting Office more than 10 working days after the protester receives the contracting agency's denial of its protest to agency is untimely and will not be considered on its merits.

Jenson Corporation (Jenson) protests the Veterans Administration's (VA) award of a Thermal Fluid Ironer System under solicitation no. M2-17-81 to Charles J. Dispenza. Jenson basically complains about the evaluation of Dispenza's bid in connection with the Buy American Act. We dismiss the protest as untimely.

Jenson initially protested to the VA on October 12, 1981, and submitted subsequent letters on November 5 and 13, 1981. The VA, by its letter dated February 17, 1982, denied Jenson's protest. Jenson received this letter on February 22, 1982. On February 26, Jenson forwarded a letter to the VA stating its intention to further protest to the General Accounting Office (GAO). We received Jenson's protest on March 11, 1982.

Our Bid Protest Procedures state that if a protest has been filed initially with the contracting agency, any subsequent protest at GAO must be filed within 10 working days of notification of initial adverse agency action. Jenson received that notification on February 22. Because Jenson did not file its

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protest here until March 11, the protest is untimely and will not be considered. 4 C.F.R. §21.2(a)(1981); Coventry Manufacturing Company, Inc., B-201626, January 22, 1981, 81-1 CPD 41.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel